

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

John Doe,)	
)	
<i>Plaintiff</i>)	14-cv-07423
)	
-vs-)	(Judge Bucklo)
)	
Village of Deerfield, Illinois, Lisa)	
Batchelder and Gary Zalesny,)	
)	
<i>Defendants</i>)	

MOTION TO WITHDRAW AS ATTORNEYS FOR PLAINTIFF

Plaintiff's attorneys of record, Kenneth N. Flaxman and Joel A. Flaxman, hereby seek leave to withdraw as counsel for plaintiff on the ground that continued representation of plaintiff will result in a violation of Rule 11 of the Federal Rules of Civil Procedure.

Grounds for this request are as follows:

1. Counsel has prosecuted this action on the understanding that plaintiff valued the privacy he had secured by obtaining an expungement of his arrest and subsequent criminal proceedings. Based on this understanding, counsel sought leave for plaintiff to proceed as "John Doe" and, after the Court denied that request, perfected an appeal, *Doe v. Village of Deerfield*, 7th Cir., No. 15-2069.

2. On June 3, 2015, counsel learned for the first time that plaintiff had engaged another attorney to initiate a lawsuit arising from

another arrest and prosecution, which, like the arrest and prosecution in this case, had been expunged. Plaintiff filed the second lawsuit, however, using his true identity, rather than attempting to proceed as “John Doe.”

3. Counsel believes that further representation of plaintiff in this matter would contravene Rule 11(b) of the Federal Rules of Civil Procedure.

4. An accepted ground for mandatory withdrawal is when continued “representation will result in violation of the rules of professional conduct or other law.” ABA Rules of Professional Conduct of 2010, Rule 1.16, adopted by Local General Rule 83.50.

Counsel therefore respectfully requests leave to withdraw.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
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200 S Michigan Ave, Ste 201
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Retiring Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2015 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all ECF filers and I hereby certify that I have served a copy of the foregoing on “John Doe” using his email address.

/s/ Kenneth N. Flaxman
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a retiring attorney for plaintiff